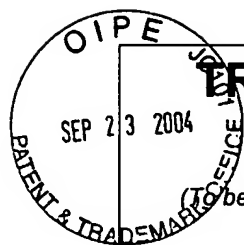


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# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	10/763,570
Filing Date	January 23, 2004
First Named Inventor	Pamela M. Drake
Art Unit	1654
Examiner Name	
Attorney Docket No.	340082.401

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input checked="" type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC ( <i>Appeal Notice, Brief, Reply Brief</i> ) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Additional Enclosure(s) ( <i>please identify below</i> ): _____ _____ _____
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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	William T. Christiansen, Ph.D.	Customer Number <b>00500</b>
Signature		
Date	September 21, 2004	

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Jason Añover	
Signature		Date: September 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

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September 21, 2004  
Date

Jason Añover

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Pamela M. Drake  
Application No. : 10/763,570  
Filed : January 23, 2004  
For : COMPOSITIONS AND METHOD FOR RESTORING  
BACTERIAL FLORA

Art Unit : 1654  
Docket No. : 340082.401  
Date : September 21, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents:

In accordance with 37 CFR 1.56 and 1.97 through 1.98, applicant wishes to make known to the U.S. Patent and Trademark Office the references set forth on the attached Form PTO-1449. Applicant notes that since the application filing date is after June 30, 2003, copies of the cited U.S. patents and published patent applications are not required and accordingly have not been provided. Copies of all other cited references are enclosed. As to any reference cited, applicant does not admit that it is "prior art" under 35 U.S.C. §§ 102 or 103, and specifically reserves the right to traverse or antedate any such reference, as by a showing under 37 CFR 1.131 or other method. Although the aforesaid references are made known to the Patent and

Trademark Office in compliance with applicant's duty to disclose all information she is aware of which is believed relevant to the examination of the above-identified application, applicant believes that her invention is patentable.

Please acknowledge receipt of this Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

Applicant believes this Information Disclosure Statement has been timely filed, however, the Director is authorized to charge any fee due by way of this Information Disclosure Statement to our Deposit Account No. 19-1090.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'William T. Christiansen', written over a horizontal line.

William T. Christiansen, Ph.D.

Registration No. 44,614

Enclosures:

Postcard

Form PTO-1449

Cited References (21)

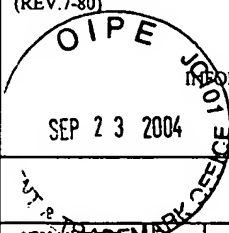
701 Fifth Avenue, Suite 6300  
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FORM PTO-1449 (REV. 7-89)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 340082.401		APPLICATION NO. 10/763,570	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANT Pamela M. Drake			
				FILING DATE January 23, 2004		GROUP ART UNIT 1654	
<b>U.S. PATENT DOCUMENTS</b>							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3,689,640	09/05/72	Shahani et al.	424	118	
	AB	5,580,579	12/03/96	Ruddy et al.	424	489	
	AC	5,641,515	06/24/97	Ramtoola	424	189	
	AD	5,792,451	08/11/98	Sarubbi et al.	424	85.4	
	AE	6,461,607	10/08/02	Farmer	424	93.45	
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION		
					YES	NO	
	AF	WO 97/29763	08/21/97	WIPO			
	AG	10-330267	12/15/98	JP (+ Abstract in English)			
	AH	1 195 095 A2	04/10/02	EP			
	AI	2 369 777 A	06/12/02	EP			
<b>OTHER PRIOR ART</b> (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AJ	Chan, R., et al., "Competitive Exclusion of Uropathogens from Human Uroepithelial Cells by Lactobacillus Whole Cells and Cell Wall Fragments," <i>Infect. Immun.</i> 47(1):84-9, January 1985.					
	AK	Gibson, G., et al., "Dietary Modulation of the Human Colonic Microbiota: Introducing the Concept of Prebiotics," <i>J. Nutr.</i> 125(6):1401-12, June 1995.					
	AL	Hwang, S-J, et al., "Gastric Retentive Drug-delivery Systems," <i>Crit Rev Ther Drug Carrier Syst.</i> 15(3):243-84, 1998.					
	AM	Isolauri, E. et al., "A Human Lactobacillus Strain (Lactobacillus Casei sp Strain GG) Promotes Recovery from Acute Diarrhea in Children," <i>Pediatrics</i> 88(1):90-7, July 1991.					
	AN	Mathiowitz, E., et al., "Biologically Erodable Microspheres as Potential Oral Drug Delivery Systems," <i>Nature</i> 386(6623):410-4, March 27, 1997.					
	AO	Mikov, M., "The Metabolism of Drugs by the Gut Flora," <i>Eur J Drug Metab Pharmacokinet.</i> 19(3):201-7, Jul-Sep 1994.					
EXAMINER				DATE CONSIDERED			
* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).							

FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 340082.401		APPLICATION NO. 10/763,570	
 <p>INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)</p>				APPLICANT Pamela M. Drake			
				FILING DATE January 23, 2004		GROUP ART UNIT 1654	
<b>U.S. PATENT DOCUMENTS</b>							
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	BA						
<b>OTHER PRIOR ART</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
	BC		Naruszewicz, M., et al., "Effect of Lactobacillus Plantarum 299v on Cardiovascular Disease Risk Factors in Smokers," <i>Am J Clin Nutr.</i> 76(6):1249-55, December 2002.				
	BD		Pradhan, D., et al., "Gastro-duodenal Morbidity of Para-aortic and Iliac Lymph Node Irradiation Using a Single Anterior 16 MV X-ray Field," <i>Clin Radiol.</i> 39(4):438-41, July 1988.				
	BE		Reddy, B., et al., "Inhibitory Effect of Bifidobacterium Longum on Colon, Mammary, and Liver Carcinogenesis Induced by 2-amino-3-methylimidazo[4,5-f]quinoline, a Food Mutagen," <i>Cancer Res.</i> 53(17):3914-8, September 1, 1993.				
	BF		Reddy, G., et al., "Natural Antibiotic Activity of Lactobacillus Acidophilus and Bulgaricus, III. Production and Partial Purification of Bulgarican from Lactobacillus Bulgaricus," <i>Cultured Dairy Products Journal</i> 18(2):15-19, May 1983.				
	BG		Robinson, M., et al., "The analysis of Malignant Tumours of Uncertain Origin with Immunohistological Techniques: Clinical Follow-up," <i>Clin Radiol.</i> 39(4):432-4, July 1988.				
	BH		Russell, J., "The Importance of pH in the Regulation of Ruminal Acetate to Propionate Ratio and Methane Production in Vitro," <i>J Dairy Sci.</i> 81(12):3222-30, December 1998.				
	BI		Salminen, E., et al., "Preservation of Intestinal Integrity During Radiotherapy Using Live Lactobacillus Acidophilus Cultures," <i>Clin Radiol.</i> 39(4):435-7, July 1988.				
	BJ		Shahani, K., et al., "Natural Antibiotic Activity of <i>Lactobacillus Acidophilus</i> and <i>Bulgaricus</i> , I. Cultural Conditions for the Production of Antibiosis," <i>Cultured Dairy Products Journal</i> 11(4):14-17, November 1976.				
	BK		Shahani, K., et al., "Natural Antibiotic Activity of <i>Lactobacillus Acidophilus</i> and <i>Bulgaricus</i> , II. Isolation of Acidophilin from <i>L. Acidophilus</i> ," <i>Cultured Dairy Products Journal</i> 12(2):8-11, May 1977.				
	BL		Shanahan, F., "Therapeutic Manipulation of Gut Flora," <i>Science</i> 289:1311-1312, August 2000.				
	BM		Steidler, L., et al., "Treatment of Murine Colitis by <i>Lactococcus Lactis</i> Secreting Interleukin-10," <i>Science</i> 289:1352-1355, August 2000.				
EXAMINER				DATE CONSIDERED			
<p>* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).</p>							